

REMARKS

In the Election/Restriction Requirement, the Office requires that Applicants elect between one of three allegedly patentably distinct species. In particular, the Office requires election of either: claims 1-9 (Species 1), claims 10-15 (Species 2), or claims 16-20 (Species 3). By this response, Applicants hereby elect claims 1-9, Species 1, with traverse.

In support of the election/restriction requirement, the Office alleges that the species are patentably distinct since: Species 1 pertains to a method of growing a nitride-based film by applying first and second precursor fluxes having first and second durations that are different; Species 2 pertains to a method of growing a nitride-based film by applying first and second precursor fluxes in which at least a portion of a pulse in the second series of pulses is applied during at least a portion of a pulse in the first series of pulses, and Species 3 pertains to a method of growing a nitride-based film by applying first and second precursor fluxes in which a pulse in the second series of pulses has a non-rectangular waveform.

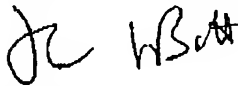
However, in order for restriction to be proper, the Office must also show that there would be "a serious burden on the examiner". See, e.g., MPEP § 803. The Office fails to address this requirement. As a result, Applicants respectfully submit that the restriction requirement is improper, and respectfully request consideration of all claims as presented.

Further, Applicants note that with respect to the elected Species 1, claim 5 includes a feature that is similar to the claimed invention of Species 2, and claim 6 includes a feature that is similar to the claimed invention of Species 3. Additionally, claim 14 of Species 2 and claim 19 of Species 3 include features that are similar to the claimed invention of Species 1. To this extent, Applicants respectfully submit that a search for the claimed method of Species 1 would

necessarily encompass a search for the claimed methods of Species 2 and Species 3. As a result, a search for all Species would not place "a serious burden on the examiner" as required for proper restriction.

In light of the above, Applicants respectfully submit that all claims are in condition for examination, and Applicants respectfully request prompt examination on the merits of all pending claims. Nevertheless, Applicants hereby elect Species 1, claims 1-9, with traverse. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the number listed below.

Respectfully submitted,



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